

3731
JTW

Docket No.: 101896-276 (DEP5241)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Robert E. Simonson

Application No.: 10/021,809

Filed: October 30, 2001

For: CONFIGURED AND SIZED CANNULA

Group Art Unit: 3731

Examiner: Ho, Uyen T

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Dear Sir:

Enclosed are the following items for filing in connection with the above-referenced Patent:


1. Revocation and Grant of Power of Attorney and Change of Address with enclosures (8 pages); and
2. Notice of Loss of Entitlement to Small Entity Status (1 page)

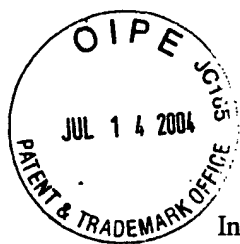
The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this patent application by this firm) to our Deposit Account No. 141449, under Order No. 101896-276.

Dated: July 12, 2004

Respectfully submitted,

NUTTER MCCLENNEN & FISH LLP
World Trade Center West
155 Seaport Boulevard
Boston, Massachusetts 02210-2604
Tel: (617) 439-2550
Fax: (617) 310-9550

By 
Lisa J. Michaud
Registration No.: 44,238
Attorney for Applicant



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Applications and Issued Patents for:

DEPUY SPINE, INC.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

Dear Sir:

Applicant(s) hereby notify the United States Patent and Trademark Office of the loss of entitlement to small entity status for the issued patent and patent applications identified below.

Applicant(s) loss of entitlement to small entity status was effective as of January 8, 2004.

| Appl. No. or Patent No. | Filing Date | First Name Inventor | Art Unit | Examiner | Atty. Docket No. |
|-------------------------------|-------------|------------------------|----------|--------------|----------------------|
| 6,159,179 | 3/12/1999 | Simonson | 3763 | J. Yasko Jr. | 101896-274 (DEP5239) |
| 10/024,221 | 10/30/2001 | Simonson | 3731 | K. Truong | 101896-275 (DEP5240) |
| 10/021,809 | 10/30/2001 | Simonson | 3731 | U. T. Ho | 101896-276 (DEP5241) |
| 10/112,784 | 03/29/2002 | Simonson | 3731 | S. Webb | 101896-277 (DEP5242) |
| 10/165,991 (Reissue) | 06/10/2002 | Simonson | 3763 | A. Nguyen | 101896-278 (DEP5243) |

No fee is believed to be due in connection with the filing of this paper. However, if any fee is due, the Commissioner is hereby authorized to charge payment of any such fees to Deposit Account No. 141449.

Respectfully Submitted,

Date: July 12, 2004

Lisa J. Michaud, Reg. No. 44,238
Attorney for Applicant(s)

NUTTER, McCLENNEN & FISH, LLP
World Trade Center West
155 Seaport Boulevard
Boston, MA 02210
Tel: (617) 439-2550
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Applications and Issued Patents for:

DEPUY SPINE, INC.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REVOCATION AND GRANT OF POWER OF ATTORNEY
AND CHANGE OF ADDRESS

Dear Sir:

DePuy Spine, Inc. (a Johnson & Johnson Company) having a principal office at 325 Paramount Drive, Raynham, Massachusetts 02767, represents that it is the owner of record of all right, title and interest in the following patent and patent applications:

| Appl. No. or Patent No. | Filing Date | First Name Inventor | Art Unit | Examiner | Atty. Docket No. |
|-------------------------|-------------|---------------------|----------|--------------|----------------------|
| 6,159,179 | 3/12/1999 | Simonson | 3763 | J. Yasko Jr. | 101896-274 (DEP5239) |
| 10/024,221 | 10/30/2001 | Simonson | 3731 | K. Truong | 101896-275 (DEP5240) |
| 10/021,809 | 10/30/2001 | Simonson | 3731 | U. T. Ho | 101896-276 (DEP5241) |
| 10/112,784 | 03/29/2002 | Simonson | 3731 | S. Webb | 101896-277 (DEP5242) |
| 10/165,991 (Reissue) | 06/10/2002 | Simonson | 3763 | A. Nguyen | 101896-278 (DEP5243) |

by virtue of the following documents, copies of which are enclosed herewith:

- (1) an Assignment of U.S. Patent No. 6,159,179 dated January 8, 2004 from The Bright Group, Inc. to DePuy Spine, Inc.; and
- (2) an Assignment of U.S. Patent Appl. Nos. 10/024,221, 10/021,809, 10/112,784, and 10/165,991 dated January 8, 2004 from The Bright Group, Inc. to DePuy Spine, Inc.

Assignee has reviewed the evidentiary documents pertaining to the rights of Assignee to take this action and certifies that, to the best of Assignee's knowledge and belief, title to the above-identified patent application is in Assignee.

The undersigned, whose title is supplied below, is empowered to act and is authorized to execute this document on behalf of the Assignee and hereby revokes all previous powers in the above-

Attorney Docket No.: 101896-1

identified application and respectfully requests the appointment of all practitioners at **Customer Number 021125**, all of Nutter, McClennen & Fish LLP, World Trade Center West, 155 Seaport Boulevard, Boston, Massachusetts 02210-2604, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the U. S. Patent and Trademark Office connected therewith.

Please mail all correspondence to Lisa J. Michaud at **Customer Number 021125**, whose address is:

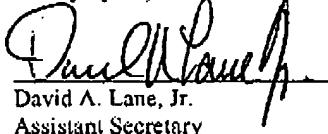
Nutter McClennen & Fish LLP
World Trade Center West
155 Seaport Boulevard
Boston, Massachusetts 02210-2604

Please direct telephone calls to: Lisa J. Michaud at (617) 439-2550.

Please direct facsimiles to: Lisa J. Michaud at (617) 310-2550.

Respectfully Submitted,

DePuy Spine, Inc.


David A. Lane, Jr.
Assistant Secretary

Date:

7/9/04

ASSIGNMENT

WHEREAS, The Bright Group, Inc., a Florida Corporation (d/b/a Bright Medical Instruments) (hereinafter called "Assignor"), has full unencumbered title to certain new and useful inventions or discoveries disclosed and/or claimed in the U.S. Patent listed in Exhibit A, hereto annexed; and

WHEREAS, DePuy Spine, Inc. a corporation of the State of Ohio, (hereinafter called "Assignee"), is desirous of acquiring the entire right, title, and interest therein;

NOW, THEREFORE, BE IT KNOWN that for and in consideration of the sum of One Dollar and other valuable considerations to it, the receipt of which is hereby acknowledged, Assignor has sold, assigned, and transferred, and does hereby sell, assign, and transfer unto said Assignee the entire right, title, and interest in all U.S. Patents listed in Exhibit A, hereto annexed, and in and to all extensions, renewals and reissues thereof, including without limitations of generality, any and all choses in action and any and all claims and demands, both at law and in equity, that said Assignor has or may have for damages or profits accrued or to accrue on account of the infringement of any of said Letters Patents, the same to be held and enjoyed by said Assignee, its successors and assigns, as fully and entirely as the same would have been held and enjoyed by Assignor if this Assignment and sale had not been made;

And for the consideration aforesaid, Assignor covenants and agrees with said Assignee that it has a full and unencumbered title to the inventions and discoveries above described and hereby assigned, which title it warrants unto said Assignee, its successors and assigns;

And for the consideration aforesaid, Assignor further covenants and agrees that it will, whenever requested, but without cost to it promptly communicate to said Assignee or its representatives any facts known to it relating to said inventions and discoveries, testify in any interference or legal proceedings involving said inventions and discoveries, and execute any additional papers that may be necessary to enable said Assignee or its representatives, successors, nominees, or assigns to secure full and complete protection for the said inventions and discoveries or that may be necessary to vest in said Assignee the complete title to the said inventions and discoveries and patents hereby conveyed and to enable it to record said title.

IN WITNESS WHEREOF, Assignor has caused this Assignment to be signed by its duly authorized officer on this 8th day of January, 2004.

By: 

Robert E. Simonson, President
The Bright Group, Inc.

STATE OF FLORIDA)

) ss.

COUNTY OF PALM BEACH)

BE IT REMEMBERED, That on this 8th day of January, 2004, before me, a Notary Public, personally appeared Robert Simonson, as President of THE BRIGHT GROUP, INC., who I am satisfied is the person named in and who executed the foregoing instrument in my presence, and I having first made known to him the contents thereof, he did acknowledge that he signed, sealed, and delivered the same as his voluntary act and deed for the uses and purposes therein expressed.



Kent Huffman
MY COMMISSION # DD257314 EXPIRES
October 9, 2007
BONDED THRU TROY FARM INSURANCE, INC.

Notary Public

Exhibit A

Patent Number

US 6,159, 179

Title

Cannula & Sizing Insertion Method

ASSIGNMENT

WHEREAS, The Bright Group, Inc., a Florida Corporation (d/b/a Bright Medical Instruments) (hereinafter called "Assignor"), has full and unencumbered title to certain new and useful inventions or discoveries disclosed and/or claimed in the patent applications listed in Exhibit A, hereto annexed; and

WHEREAS, DePuy Spine, Inc. a corporation of the State of Ohio, (hereinafter called "Assignee"), is desirous of acquiring the entire right, title, and interest therein;

NOW, THEREFORE, BE IT KNOWN that for and in consideration of the sum of One Dollar and other valuable considerations to it, the receipt of which is hereby acknowledged, Assignor has sold, assigned, and transferred, and does hereby sell, assign, and transfer unto said Assignee the entire right, title, and interest in and to all inventions and discoveries disclosed in said applications whose identification by serial number are listed in Exhibit A, hereto annexed, and in and to all is hereby authorized, and in and to said applications, all substitutions, divisions, and continuations thereof, and in and to all Letters Patent, United States and foreign, that may be granted for said inventions and discoveries, and in and to all extensions, renewals, and reissues thereof, the same to be held and enjoyed by said Assignee, its successors and assigns, as fully and entirely as the same would have been held and enjoyed by Assignor if this Assignment and sale had not been made;

And for the consideration aforesaid, Assignor covenants and agrees with said Assignee that it has a full and unencumbered title to the inventions and discoveries above described and hereby assigned, which title it warrants unto said Assignee, its successors and assigns;

And for the consideration aforesaid, Assignor further covenants and agrees that it will, whenever requested, but without cost to it promptly communicate to said Assignee or its representatives any facts known to it relating to said inventions and discoveries, testify in any interference or legal proceedings involving said inventions and discoveries, and execute any additional papers that may be necessary to enable said Assignee or its representatives, successors, nominees, or assigns to secure full and complete protection for the said inventions and discoveries or that may be necessary to vest in said Assignee the complete title to the said inventions and discoveries and patents hereby conveyed and to enable it to record said title.

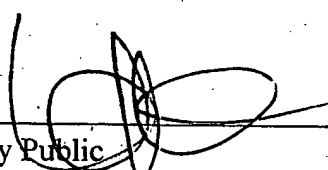
IN WITNESS WHEREOF, Assignor has caused this Assignment to be signed by its duly authorized officer on this 8th day of January, 2004.

By: 

Robert E. Simonson, President,
The Bright Group, Inc.

STATE OF FLORIDA)
) ss.
COUNTY OF PALM BEACH)

BE IT REMEMBERED, That on this 6th day of January, 2004, before me, a Notary Public, personally appeared Robert E. Simonson, as President of THE BRIGHT GROUP, INC., who I am satisfied is the person named in and who executed the foregoing instrument in my presence, and I having first made known to him the contents thereof, he did acknowledge that he signed, sealed, and delivered the same as his voluntary act and deed for the uses and purposes therein expressed.



Notary Public



Kent Huffman
MY COMMISSION # DD257314 EXPIRES
October 9, 2007
BONDED THRU TROY FAIN INSURANCE, INC.

Exhibit A

| Serial Number | Title | Attorney Docket Number |
|---------------|--------------------------------------------------------|------------------------|
| 10,024,221 | Non Cannulated Dilators | DEP5240 |
| 10,021,809 | Configured and Sized Cannulas | DEP5241 |
| 10,112,784 | Apparatus and Method for Targeting Surgical Procedures | DEP5242 |
| 10,165,991 | Cannula and Sizing Insertion Methods | DEP5243 |